

June 1976 Spec. Sess.  
Assembly Bill 4

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## CHAPTER 429, Laws of 1975

AN ACT to amend 110.06 (2), 340.01 (56) (a) 4 and (b) 3, 341.26 (2) (d) and (da), 346.48 (2) (c) and 347.44 (1) (intro.) and (3); to repeal and recreate 110.06 (3) (d) and 340.01 (56) (a) 1; and to create 340.01 (56) (a) 1m and (b) 4 of the statutes, relating to miscellaneous changes in the laws pertaining to motor vehicles which transport the handicapped.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 110.06 (2) of the statutes is amended to read:

110.06 (2) The administrator of the division of motor vehicles shall adopt and enforce such rules as he or she deems necessary in the interests of safety to cover the design, construction, inspection and operation of school busses. Such rules may, but need not, be uniform for each type of bus designated in s. 340.01 (56) (a). No rule adopted under this subsection shall become effective until approved by majority votes of the senate commerce committee and the assembly transportation committee.

SECTION 2. 110.06 (3) (d) of the statutes is repealed and recreated to read:

110.06 (3) (d) Paragraphs (a) to (c) shall not apply to any school bus which carries and displays a certificate of compliance issued by the division of motor vehicles if the certificate is not more than one year old on the date of purchase.

SECTION 2m. 340.01 (56) (a) 1 of the statutes, as affected by chapter 120, laws of 1975, is repealed and recreated to read:

340.01 (56) (a) 1. Minors to or from a public or private school offering any grades as provided under s. 115.01 (2) or s. 121.51 (3) or minors to or from a vocational technical or adult education school when required under s. 118.15 (1).

SECTION 2r. 340.01 (56) (a) 1m of the statutes is created to read:

340.01 (56) (a) 1m. Minors to or from any special education program as defined under s. 115.76 (10) operated by a school district, county handicapped children's education board, board of control of a cooperative educational service agency, state or county residential facility or private special education service.

SECTION 3. 340.01 (56) (a) 4 and (b) 3 of the statutes as affected by chapter 120, laws of 1975, are amended to read:

340.01 (56) (a) 4. Persons having a handicap of a type specified under s. 115.76 (3) (a) to (g) to or from a public or private facility for purposes of participating in a rehabilitation, training, or educational program approved by the department of public instruction, or the department of health and social services, except as provided in par. (b) 4.

(b) 3. A motor vehicle operated by a common motor carrier of passengers, when used in urban transportation within par. (a) or when in extracurricular activities to and from points designated by the appropriate agency in charge of such persons under this subsection, and authorized under ch. 194.

SECTION 4. 340.01 (56) (b) 4 of the statutes is created to read:

340.01 (56) (b) 4. A motor vehicle having a passenger-carrying capacity of fewer than 7 persons, including the operator, used to transport handicapped persons to and from rehabilitation and training facilities, determined by dividing the total seating space measured in inches by 20, used to transport persons under par. (a) 4.

SECTION 5. 341.26 (2) (d) and (da) of the statutes are amended to read:

341.26 (2) (d) A school bus owned, operated or under contract with a private or public school ~~or college~~ and used exclusively for transportation of students to or from school ~~or college~~ including extracurricular activities to or from points designated by such school ~~or college~~, or a school bus used exclusively to transport persons under s. 340.01 (56) (a) 4;

341.26 (2) (da) When engaged in passenger-carrying operations other than as provided in par. (d), such school busses shall register and pay the fees for motor busses provided for in s. 341.25 (2), which said fees may be paid as provided for in ss. 341.30 and 341.31 or the fees provided for automobiles or station wagons as provided in s. 341.25 (1) (a). Fees for part-quarterly registration shall be computed on the basis of one-twelfth of the annual fee multiplied by the number of months of the current quarter which have not fully expired on the date of the application, provided that, where the vehicle was not operated in other than school bus service, an affidavit of nonoperation satisfactory to the division shall be filed with the application;

SECTION 6. 346.48 (2) (c) of the statutes, as affected by chapter 120, laws of 1975, is amended to read:

346.48 (2) (c) When a school bus is being used on a highway for purposes other than ~~the actual transportation of pupils or other authorized passengers to or from a school or a school-approved activity~~ those specified in s. 340.01 (56) (a), the flashing red warning lights shall not be used, and all markings on the front and rear of the bus indicating it is a school bus shall be removed or completely concealed; except that any time a motor vehicle is equipped as provided under ss. 347.25 (2) and 347.44 and is transporting children for any purpose, the school bus markings may remain unconcealed and the flashing red signals may be used as provided in this section and when so used, sub. (1) applies to operators of other motor vehicles.

SECTION 7. 347.44 (1) (intro.) and (3) of the statutes, as affected by chapter 120, laws of 1975, are amended to read:

347.44 (1) (intro.) All school busses as defined in s. 340.01 (56) 1 to 3 shall be painted as follows:

(3) Motor busses which are used jointly as school busses and in regular urban service, and school busses as defined in s. 340.01 (56) (a) 4 may, but need not comply with sub. (1).

SECTION 8. **Operator's license for persons transporting the handicapped.** No person may operate a school bus as provided under section 340.01 (56) (a) 4 of the

statutes, after June 30, 1977, unless the person possesses as operator's license as provided under section 343.12 of the statutes.

SECTION 9. **Effective date.** The repeal and recreation of section 340.01 (56) (a) 1 of the statutes by this act and the creation of section 340.01 (56) (a) 1m of the statutes by this act shall take effect July 1, 1977.

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